



Lowey Dannenberg Cohen & Hart, P.C.

New York
White Plains Plaza
One North Broadway
White Plains, NY 10601-2310
914-997-0500 Telephone
914-997-0035 Fax
www.lowey.com

Pennsylvania
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
West Conshohocken, PA 19428-2977
610-941-2760 Telephone
610-862-9777 Fax

October 2, 2013

Via Facsimile (212-805-6737)

The Honorable George B. Daniels
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Laydon v. Mizuho Bank, Ltd., et al.*, No. 12-cv-3419

Dear Judge Daniels:

We write in advance of the currently scheduled October 9, 2013 Status Conference pursuant to the Court's February 25, 2013 Second Supplemental Scheduling Order, Dkt. 141.

On September 27, 2013, Defendants filed eleven separate reply memoranda of law. In these briefs, certain Defendants rely extensively on a recent decision by Judge Buchwald in *In re Libor-Based Fin. Instruments Antitrust Litig.*, No. 11-MD-2262, --- F. Supp. ---, 2013 WL 4504769 (S.D.N.Y. Aug. 23, 2013). See Dkts. 232-33, 235-43. Plaintiff filed his Omnibus Memorandum of Law in Opposition to Defendants' Motions to Dismiss (Dkt. 226) on August 13, 2013, before this decision. As such, Plaintiff has not had the opportunity to address these arguments. Hence, Plaintiff respectfully requests leave to file a fifteen (15) page Sur-reply on or before Wednesday, October 9 to respond to these new arguments. Defendants do not object to Plaintiffs' request for leave to file a Sur-reply. Oral argument on Defendants' motions to dismiss is currently scheduled for November 12, 2013 at 10:00 am.

The parties also report that they have no open case management issues to address with the Court and request that it adjourn the October 9th Status Conference, unless the Court would prefer to proceed as scheduled.

Respectfully submitted,

Vincent Briganti

cc: All Counsel of Record (via electronic mail)